

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

v.

PANAMA-BUENA VISTA UNION SCHOOL
DISTRICT,

OAH Case No. 2015040188

PANAMA-BUENA VISTA UNION SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2015031164

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On May 14, 2015, the parties jointly filed an initial request to continue the hearing in the non-expedited issues of this consolidated matter to September 2015. The Office of Administrative Hearings denied the request on the ground that the parties failed to show good cause why the matter should be continued for more than 90 days. On May 15, 2015, the parties refiled their request to continue the hearing, this time stating that Student's counsel was beginning a two-day hearing on May 26, 2015, in another case before OAH, which may require additional days. Neither party explained why this matter could not be heard before September 14, 2015, the date they proposed for hearing.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other

pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. However, because this continuance extends District's case to six months, and is beyond ninety days from the original hearing date in the consolidated matters, OAH does not contemplate granting any further continuances in this matter absent a substantial showing of good cause. This matter will be set as follows:

Prehearing Conference:	September 4, 2015 at 10:00 a.m.
Due Process Hearing:	September 14, 2015 at 1:30 p.m., September 15-17, 2015 at 9:00 a.m., and September 21, 2015 at 1:30 p.m., unless otherwise ordered, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. OAH does not schedule hearings on Fridays.

IT IS SO ORDERED.

DATE: May 15, 2015

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings